

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11933-NMG

SPINIELLO COMPANIES,)
Plaintiff,)
v.)
BRICO INDUSTRIES, INC.)
Defendant.)

)

**DEFENDANT, BRICO INDUSTRIES, INC.'S
RULE 26(a)(1) AUTOMATIC DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1), defendant, Brico Industries, Inc. makes the following initial disclosures:

A. Name the individuals who are believed to have discoverable information about the claims or defenses.

1. Robert J. Card, P.E., Vice President, Brico Industries, Inc., Doraville, Georgia, subject of information: allegations outlined in plaintiff's Complaint;
2. Donald Bridges, President, Brico Industries, Inc., Doraville, Georgia, subject of information: allegations outlined in plaintiff's Complaint;
3. Tom Port, Sales Representative, Brico Industries, Inc., Doraville, Georgia, subject of information: allegations outlined in plaintiff's Complaint;
4. Todd Galletti, Spiniello Companies, 99 Washington Street, Melrose, MA, subject of information: allegations outlined in plaintiff's Complaint;
5. John Purciello, P.E., Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
6. Jose Collazo, Vice President, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;

7. Gary Stivaly, President, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
8. Robert DePonte, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
9. John Walsh, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
10. David Yunis, Spiniello Companies, 110 Madison Avenue, Suite #5, Newtonville, MA 02460, subject of information: allegations outlined in plaintiff's Complaint;
11. Robert K. Block, Project Manager, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
12. Steve Pollen, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962, subject of information: allegations outlined in plaintiff's Complaint;
13. Paul Angert, Sales Person, Products 2000, 19 Drake Court, Randolph, N.J. 07869, subject of information: allegations outlined in plaintiff's Complaint;
14. Paul Hayward, Jason Consultants, LTD, information unknown, subject of information: allegations outlined in plaintiff's Complaint;
15. James Glendye, Sr., Camp Dresser & McKee, Inc., One Cambridge Place, 50 Hampshire Street, Cambridge, MA 02139, subject of information: allegations outlined in plaintiff's Complaint;
16. Frank DePaola, Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, subject of information: allegations outlined in plaintiff's Complaint;
17. Charlene Savili, Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, subject of information: allegations outlined in plaintiff's Complaint;
18. Lisa Hamilton; Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, subject of information: allegations outlined in plaintiff's Complaint;
19. William S. Haines, Haines Enterprises, P.O. Box. 137 Topsfield, MA 01983, subject of information: allegations outlined in plaintiff's Complaint;

20. Oliver D. Fernandez, Jr., ODF Contracting Company, Inc., P.O. Box 380 Uphams Corner, Dorchester, MA 02125, subject of information: allegations outlined in plaintiff's Complaint;
21. Leonard Macari, ODF Contracting Company, Inc., P.O. Box 380 Uphams Corner, Dorchester, MA 02125, subject of information: allegations outlined in plaintiff's Complaint;
22. Dennis Drain, CFO, ODF Contracting Company, Inc., P.O. Box 380 Uphams Corner, Dorchester, MA 02125, subject of information: allegations outlined in plaintiff's Complaint;
23. James Smiley, M&M Welding, 18 Ridge Street, Worcester, MA 01604, subject of information: allegations outlined in plaintiff's Complaint;
24. Baker Testing Services, Inc. 98 Reservoir Park Drive, Rockland, MA 02370, subject of information: allegations outlined in plaintiff's Complaint;
25. James Thompson, Jason Consultants, 2000 Massachusetts Ave. NW, Third Floor, Washington, D.C. 20036, subject of information: allegations outlined in plaintiff's Complaint; and
26. Larry Thau, V.P., Victaulic Company of America, 4901 Kesslersville Road, Easton, PA, subject of information: allegations outlined in plaintiff's Complaint.

B. Copy or description of documents that may support claims or defenses.

1. Specifications and Contract, Massachusetts Water Resources Authority, Waterworks Division, Weston Aqueduct Supply Mains, Numbers 1 and 2, Contract No. 6280 (October 1999);
2. M.W.R.A. Section 02704 dated 10/1/99;
3. M.W.R.A. Section 02711 dated 10/20/99;
4. M.W.R.A. Section 02776 dated 10/20/99;
5. M.W.R.A. Section 02616 dated 10/20/99;
6. Letter W. Haines to L. Hamilton dated 12/2/99;
7. Spiniello P.O. dated 3/7/00;
8. Brico Confirming Quotation dated 12/20/99;
9. Memo W. Haines to R. Card dated 3/2/00;
10. P.O. Confirmation R. Card to R. Block dated 3/27/00;

11. Brico Submittal Information letter R. Card to R. Block dated 3/31/00;
12. Brico Quotation dated 4/6/00;
13. Memo T. Port to R. Card dated 4/11/00;
14. Letter R. Card to J. Walsh dated 4/26/00;
15. Letter R. Card to J. Walsh dated 5/1/00;
16. Letter B. Haines to R. Knight dated 5/10/00;
17. Fax R. J. Walsh to B. Haines/R. Card dated 5/12/00;
18. Letter B. Haines to File dated 5/30/00;
19. Email J. Walsh to R. Card dated 6/29/00;
20. Email J. Walsh to R. Card dated 7/7/00;
21. Email J. Walsh to R. Card dated 7/13/00;
22. Email J. Walsh to R. Card dated 7/20/00;
23. Letter R. Block to R. Card dated 7/27/00;
24. Fax J. Walsh to R. Card dated 7/28/00;
25. Email J. Walsh to R. Card dated 7/28/00;
26. Fax T. Port to J. Walsh dated 8/9/00;
27. Brico Quotation to J. Walsh dated 8/16/00;
28. Fax Pam to T. Port dated 8/17/00;
29. Letter R. Block to R. Card dated 8/28/00;
30. Letter R. Card to J. Collazo dated 9/15/00;
31. Letter R. Card to J. Collazo dated 9/20/00;
32. Memo L. Thau to B. Card dated 9/20/00;
33. Letter J. Collazo to R. Card dated 9/11/00;
34. Letter D. Bridges to J. Collazo dated 10/13/00;
35. Letter R. Card to J. Walsh dated 11/1/00;

36. Letter R. Card to J. Walsh dated 10/25/00;
37. Letter R. Card to J. Walsh dated 10/24/00;
38. Letter J. Collazo to R. Card dated 10/3/00;
39. Letter J. Glendye, Sr. to J. Walsh dated 11/22/00;
40. Letter D. Yunis to R. Card dated 2/16/01;
41. Letter J. Mattes to T. Galletti dated 10/17/00;
42. Letter R. Card to D. Yunis dated 2/28/01
43. Letter J. Purciello to D. Gibbons dated 6/4/01;
44. Fax D. Gibbons to J. Purciello dated 6/11/01;
45. MWRA Contract & Specifications;
46. MWRA Contract #6280 Spiniello Companies Brico Claim Binder Dated 11/5/01;
47. FOIA Request to the Massachusetts Water Resources Authority and Records Produced by it in response;
48. MWRA Contract #6280 Construction Schedules & Monthly Meeting Minutes;
492. MWRA Contract #6280 Daily Reports 4/21/00 to 6/28/02;

Brico Industries, Inc. will make all of the above documents available for inspection and copying.

C. Computation of any category of damages.

None.

D. Insurance Agreement.

Brico Industries, Inc. will make all insurance policies providing coverage available for inspection and copying.

Respectfully Submitted By,

Counsel for Defendants,
BRICO INDUSTRIES, INC.

/s/ Grace V. Bacon

Thomas C. Federico, BBO #160830
Grace V. Bacon, BBO #640970
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
Tel. (617) 439-7500

CERTIFICATE OF SERVICE

I certify that this document has been served upon all counsel of record in compliance with the Fed. R. Civ. P.

/s/ Grace V. Bacon

Grace V. Bacon

Date: December 31, 2004